

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LION FISHERIES LLC.,

11 Plaintiff,

v.

12 A1 TRANSMISSION & MARINE, INC, *et al.*,

13 Defendant.

14 CASE NO. C23-0984-JCC

ORDER

15 This matter comes before the Court on Defendant A1 Transmission & Marine, Inc.'s
16 motion for attorneys' fees pursuant to RCW 4.28.185(5). (Dkt. No. 21.) Having thoroughly
17 considered the parties' briefing and the relevant record, the Court finds oral argument
18 unnecessary and DENIES the motion for the reasons explained herein.

19 Plaintiff brought a negligent and breach of contract action against two out-of-state
20 Defendants. (Dkt. No. 1.) This Court dismissed the claims for want of personal jurisdiction. (Dkt.
21 No. 19.) Now, Defendant moves for attorney fees under the long-arm statute. (Dkt. No. 21.)

22 A court is *authorized* to "award reasonable attorney fees to a foreign defendant who
23 prevails in an action on the basis that the court lacked personal jurisdiction under the long-arm
24 statute." *CTVC v. Shinawatra*, 919 P.2d 1243, 1255 (Wash. Ct. App. 1996). However,
25 "[w]hether to grant or deny a request for attorney's fees under this provision is wholly within the
26 discretion of the trial court." *Amazon.com, Inc. v. Kalaydjian*, 2001 WL 1892190, *1 (W. D.

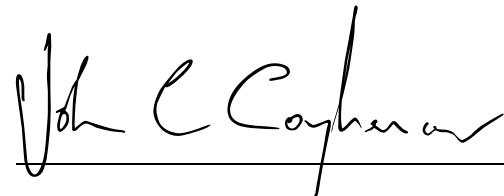
1 Wash. 2001). One of the purposes of the fee-shifting provision is to deter plaintiffs from
2 harassing foreign defendants. *Scott Fetzer Co. v. Weeks*, 786 P.2d 265, 272 n.6 (Wash. 1990).

3 The purpose for which fee-shifting is often utilized is not present in the instant case. Nor
4 does RCW 4.28.185(5) *require* fee shifting as Defendant suggests. (Dkt. No. 24.) Ultimately, the
5 Court finds it unnecessary to exercise its discretion to grant attorneys' fees in this matter.

6 For the foregoing reasons, Defendant's motion for attorneys' fees (Dkt. No. 21) is
7 DENIED.

8 DATED this 27th day of November 2023.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE